



ARKAN

Supporting Rule of Law Reform in the West Bank & Gaza

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Quarterly Progress Report

By:
The Arkan Project
Supporting Rule of Law Reform in the West Bank & Gaza

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ACRONYMS

CAS	Civic Action Strategies
CI	Chemonics International, Inc.
CLE	Continuing Legal Education
COP	Chief of Party
CRR	Curriculum Reform Review
CSO	Civil Society Organization
CTO	Cognizant Technical Officer
GIS	Geographic Information Systems
IQC	Indefinite Quantity Contract
MOU	Memorandum of Understanding
PA	Palestinian Authority
PBA	Palestinian Bar Association
PMU	Project Management Unit
QPR	Quarterly Progress Report
RLAC	Rule of Law Advisory Committee
ROL	Rule of Law
SOW	Scope of Work
ST	Short-term
TO	Task Order
USAID	United States Agency for International Development
WBG	West Bank and Gaza

EXECUTIVE SUMMARY

This Quarterly Progress Report (QPR) for Arkan, the Supporting Rule of Law Reform project in the West Bank and Gaza covers the period from January 1, 2005 through March 31, 2005. Arkan is a three year \$3.9 million task order under the Rule of Law IQC.

During this reporting period, the project team undertook and accomplished many important programmatic goals, including establishing partnership relations with Arkan's immediate partners: (i) law schools of four universities (Al Azhar, Bir Zeit, An Najah, and Al Quds); (ii) the Palestinian Bar Association (PBA); and (iii) a large number of civil society organizations working on rule of law reform in the West Bank and Gaza, as well as a number of Palestinians active in the rule of law field.

Major programmatic and administrative accomplishments:

- Project initialization completed
- Major stakeholder relationships firmly established
- Year one workplan developed in close partnership with USAID
- Legal reform dialogue initiated at all major law schools
- Legal reform dialogue led to important legal education and legal profession reform suggestions
- Unique elections training and technical assistance provided

In sum, the project completed the time consuming, but necessary administrative matters essential to the initiation of a new project. Project progress began with enthusiastic partner response. Based on the groundwork of these initial conversations, project activities have accelerated according to partner input and USAID, with plans for near term delivery of specific technical assistance underway.

The Quarterly Progress Report is divided into the following sections: Programmatic Accomplishments, Administrative Accomplishments, Financial Summary, and Programmatic Trends.

SECTION I

Programmatic Accomplishments

Rule of Law Advisory Committee

The Rule of Law Advisory Committee (RLAC) will serve as an advisory committee for the project. It was established in order to act as the driving force behind efforts to build momentum for positive changes in the Palestinian legal landscape. It consists of a number of highly respected individuals representing stakeholders and key partners. Serving as local reform champions who can assist in providing ‘moral’ support and backing for the project’s objectives and activities, the RLAC will also employ their social and legal sector know-how to vet potential project strategies. The RLAC will assist in addressing any obstacles the project may face and in exploring various solutions.

Arkan staff met repeatedly to devise a vision statement for the RLAC and to discuss the composition of the committee, limits on the roles members will play in project operations, criteria for selecting such members, and a possible meeting schedule. The results of these meetings were shared with immediate counterparts in a memorandum. The Palestinian Bar Association (PBA) and the four main Palestinian law schools are supportive, as were other potential ‘guest members.’ The RLAC will meet once every several months (at most quarterly).

RLAC membership has been finalized and shared with the project Cognizant Technical Officer (CTO). Members are as follows:

#	Entity Represented	Representative, Position
1	Ministry of Justice	H.E. Farid Jallad, Minister of Justice
2	Supreme Judicial Council	Justice Zuheir Sourani, Chairman
3	Palestinian Bar Association (WB)	Mr. Hatem Abbas, Chairman, Board of Directors
4	Al Azhar Law School	Dr. Mustafa Ayyad, Dean
5	Bir Zeit Institute of Law	Dr. Samer Fares, Head, Legal Department
6	An Najah Law School	Dr. Ahmad Al Khaldi, Dean
7	Al Quds Law School	Dr. Musa Dweik, Dean

In addition to the above membership, guests representing the private/business sector, civil society, and Palestinian Authority (PA) ministries will be invited to attend meetings of the RLAC, as subject matters dictate. We are currently sending invitations for the first RLAC meeting.

Partner Relationships

During this reporting period, Arkan has worked to develop relationships with all stakeholders and partners to ensure the successful enfoldment of project objectives. Arkan held a project Inauguration Ceremony on February 2, 2005, taking place simultaneously in Ramallah and Gaza City with participation from a number of public figures having stake in rule of law (ROL) development. The event was spearheaded by then Minister of Justice, HE Nahed Al Rayyes, Mr. Jim Bever, USAID West Bank/Gaza Mission Director, Arkan subcontractor MASSAR Associates, judges, representatives of other donor organizations, representatives of other rule of law and democracy projects, deans of Palestinian law schools, representatives of the PBA, and civil society members. The stakeholder meeting following the formal inauguration of the project served as a unique opportunity to present the main elements of the draft workplan to key individuals and institutions with stake in ROL reform. Participants provided invaluable

comments and recommendations, which were taken into account as the team finalized the workplan for submission to USAID.

Arkan has worked to further formalize partner relationships through signing Memorandums of Understanding (MOUs) with three immediate partners: Al Azhar Law School, An Najah Law School, and Al Quds Law School. By the end of May 2005, Arkan expects to sign a similar MOU with the Bir Zeit Institute of Law.

On March 14, 2005, the PBA Board of Directors issued a resolution, by which it approved in principle, the formalization of its relationship with Arkan. The PBA has established a special committee, comprised of the Chairman and two other West Bank members of its Board of Directors to negotiate with Arkan the terms of an MOU. The resolution constitutes an important benchmark for future cooperation between the PBA and Arkan. Once the MOU is final, the PBA and Arkan will set a date for an official signing ceremony, which we expect to take place before the end of May 2005, within weeks of the upcoming PBA Board of Directors elections.

Elections Objections and Appeals Monitoring Training

a. Request and Mobilization

In December 2004, USAID requested Arkan involvement in the legal aspect of the January 9, 2005, Palestinian presidential elections. Arkan responded to this need, developing an innovative training program to provide legal professionals with the knowledge and training necessary to have them act as monitors of any post-election legal challenge processes. The project mobilized rapidly, subcontracting to US-based Civic Action Strategies (CAS) to design and implement a “Legal Claims Resolution Monitoring” workshop for Palestinian lawyers. CAS international expert, Ted Jonas, conducted the training workshop on January 7, 2005 in Ramallah, with a video link to Gaza City. The training assisted the legal community in observing the legal election complaints process – including complaint filing, adjudication, and appeal of legal claims. Mr. Jonas also designed and developed election complaint process monitoring forms (or “checklists”), in conjunction with participants and Arkan staff.

Nineteen Palestinian lawyers participated in the training and contributed towards the development of the complaint process monitoring forms. On Election Day, the project team, along with Mr. Jonas, visited fifteen polling stations in Ramallah, Bir Zeit, and Jerusalem to monitor the submission of claims at polling stations and district offices. Annex A is a success story generated jointly by the Arkan and Tamkeen project teams, highlighting the achievements in civil society and rule of law reform stemming from the Presidential elections. It was displayed on Chemonics’ external website, www.chemonics.com, and distributed amongst colleagues in the home and field offices.

b. Results

The election workshop has been hailed a success, providing a unique service to the Palestinian legal community and general citizenry. Further, the training revealed serious problems with the legislative framework for Palestinian elections, inspired local interest in pursuing election claims advocacy and legal reform, and provided information for USAID to factor into its consideration of further support for similar activities in the development of rule of law in the West Bank and Gaza.

Civic Action Strategies (CAS) has prepared a report about the training process, its findings, and recommendations for future interventions in support of election claims monitoring. The report has been

submitted to USAID for review. Among the recommendations stemming from the training, are suggestions for supporting a legal advisory and educational or advocacy program to address problems in Palestinian election laws.

Arkan is also preparing a brief report on the usefulness of the training. Preliminary feedback received from participants indicated the monitoring claims forms/checklists were indeed beneficial and in fact, used by a number of participants as they monitored the resolution of claims submitted in relation to the January 9th elections. Feedback from two follow-up meetings with participants in the West Bank and Gaza, coupled with the recommendations of the CAS report, will form the basis for further election-related activities that Arkan is currently exploring.

Practical Skills Training and Improving Course Offerings

Palestinian lawyers need practical skills to bring real change to their communities. To this end, Arkan aims to work with Palestinian legal educational institutions to introduce modern interactive teaching methodologies, initiate curricula reform, inspire the formation of student and faculty associations and provide legal materials resources.

Arkan is working with Al Azhar, An Najah, Al Quds, and Bir Zeit law schools in order to form a common understanding of the current status, deficiencies and recommendations for change with respect to their curricula. Introductory meetings were held with the deans of these four law schools to introduce the general goals and objectives of the ROL project, the parameters of assistance, and discuss methods of mutual cooperation. Participants in these meetings included:

- Dr. Ahmed Khalidi, Dean of An Najah University Law School
- Mudar Kassis, Dean of the Law School and Director of the Institute of Law, Bir Zeit University
- Dr. Mossa Dweik, Dean of the Law School at Al Quds University
- Dr. Mussa Abu Mallouh, Dean of the Al Azhar University School of Law

The law school leaders were enthusiastic for anticipated project activities and promised cooperation. Building upon such positive feedback, an initial curriculum reform review (CRR) of existing curricula documents was conducted. Project staff have since initiated dialogue focusing on course offerings and improving teaching methodologies used under the current system. Several suggestions have been made to add new subjects to law school curriculum, including legal writing, intellectual property rights, and legal ethics. Bir Zeit Institute of Law earlier indicated that due to the fact that its curriculum is less than a year old, it plans no changes for at least one year.

Arkan is currently drafting a report summarizing discussions with partner schools and project findings. The report includes recommendations for the reform of the curricula and teaching methodologies used at the four partner law schools, with a view to identifying specific areas where practical skills training and comparative legal analysis can be incorporated into the existing curricula.

As is the case with the development of action plans, the use of case studies in the teaching of law is not common practice in Palestinian law schools. Arkan has discussed the desirability and demand for the introduction of this teaching methodology. Though it is not clear the extent to which faculty know about this teaching method, the skills they need to develop, and the time they need to dedicate to their students for the methodology to be successful, it is clear that there is support for it.

Educational Outcomes and Preparation for Practice

Legal education is most successful in creating high-quality, skilled, ethical attorneys when students are actively involved in the educational process. Their constructive criticism, ingenuity, and organizational energy can and should be harnessed to improve the Palestinian legal education experience for all. With this in mind, and in coordination with deans and faculty, Arkan has met with a large number of law students from the four universities. Students were intrigued by the idea of student input into curriculum development and expressed their readiness to cooperate.

a. Curriculum Reform Review

Arkan has continued working to survey students regarding curriculum reform in the four partner law schools. The survey will contribute towards setting priorities for project involvement in the legal education agenda. The project will to solicit student opinions on how their educational experience could be improved, ensuring that the project is as responsive to their needs as possible. In addition, the survey will collect vital baseline data for project performance management planning.

To that end, Arkan developed a student survey concept paper and conducted meetings with institutions and individuals specialized in carrying out survey research. The project is developing a Scope of Work (SOW) for a ST local survey specialist that will result in providing the project and partner law schools with the data necessary for further project activities. To ensure the best results possible, a home office Communications Specialist assisted with the development of the project's communication plan and collaborated with the local consultant who will implement the survey.

b. Student Associations

A cornerstone for engaging students in educational reform and preparing them for future practice is the development of student associations. Faculty and students alike have rallied to this project initiative, offering assistance and signs of support:

- An Najah University is providing office space for use by the faculty, and clear statements of support from the dean.
- Students at An Najah University have plans for forming a student association focused on ROL development and another focused on faculty development. These students are currently working with the university to develop regulations and procedures to govern their formation and operations.
- In January, the project team met with first-year law students at Bir Zeit Law School to discuss the idea of establishing student associations. Students expressed their interest to participate and some volunteered their points of view, their needs and ambitions, and a rule of law agenda for the post-election period.
- In March, the Arkan team met with the law students' pilot group of Al Azhar University. Students have decided to form three groups, each with envisioned roles, as a first step towards the creation of three student associations. These groups are:
 1. Communication and Community Training: Initiate and organize dialogue with law students from other universities, and communicate with governmental and non-governmental institutions.
 2. Internal relations: Communicate with the students' council, the faculty council, and the university board on behalf of the law students.

3. Cultural Association: Follow up with social, political, and sporting events; issue a student electronic journal; help students engage in legal research and publish legal materials; and, coordinate participation in any future moot court competition.

Arkan will assess the various needs of each law school and develop a plan in response to these demands, contingent upon agreement of the activities associations might be engaged in, including the development and publishing of an electronic legal journal.

c. Expectations of new Palestinian leadership

As part of Arkan's efforts to develop student associations at law schools where students can demonstrate interest and take part in rule of law reform efforts, the Arkan team has conducted seven workshops with law students of Bir Zeit, An Najah, Al Quds, and Al Azhar universities. ROL related expectations and demands of the new Palestinian leadership were discussed and subsequently refined into a targeted "issues list." The list includes key ROL action items, such as ensuring separation of powers, promoting the independence of the judiciary, improving legal education, and enhancing the understanding of the law and key legal issues and institutions among the public and law enforcement officials. To galvanize support for this initiative and ensure the final list of demands accurately represents the views of students at the four law schools, a second set of meetings with students is currently underway. During a recent visit to An Najah University, Arkan staff shared the complete list of demands with law students and the feedback received was quite positive. The list will be shared with students of the three remaining partner law schools in the coming weeks.

Legal Reference Materials and Development Assistance

a. Grants

The project includes a grants-making element, which will likely begin during the latter portion of the first year of the project. Arkan grants will be limited to meeting the needs and supporting the initiatives of law students, faculty, and schools, as well as civil society organizations (CSOs) active in the ROL sector, including the PBA. The project has drafted a grants manual based on applicable USAID regulations, which is currently being reviewed. The manual will govern Arkan's grants-making and management. Once revision and internal review is completed, the manual will be submitted to USAID for approval. Although the first meeting of the Arkan Grants Committee is not expected before the end of the project's first year, the project plans to issue its first grants solicitation by the end of the coming quarter. By then, Arkan will also have finalized and announced the formation of its Grants Committee.

b. Materials Timeline

Through its grants mechanism, Arkan will provide needed materials to law schools. Arkan has gathered lists of materials prepared by each law school and will develop plans sensitive to their particular situations. Project staff are working to encourage law schools to think of material needs not as ends in themselves, but as a means to support curricula reform. The project has faced several difficulties in this regard. For example, there is continuing demand for providing each law school with equipment and furniture for moot court competitions, without first introducing and training faculty in this teaching methodology.

The project will further develop a timeline for incorporating each materials list into the curriculum. This activity comes as culmination of both the CRR needs assessment and the identification of materials, including reference and library materials, needed for each law school.

Continuing Legal Education Program at the PBA

During this reporting period several meetings were held with PBA board members, including its president. The goal of these meetings was to introduce the project, discuss and learn more about the needs of the PBA and their current projects, explore ways to collaborate and cooperate, and to gain support for the establishment of the RLAC.

One key initiative of the PBA is the creation of a “Bar Training Institute,” which will be comprised of a PBA Continuing Legal Education (CLE) program. A special meeting in March to discuss cooperation with Arkan, resulting in the adoption of a resolution in which the PBA officially endorsed Arkan project activities that support both the PBA and the legal profession.

Collaboration with Professionals and Local Organizations

Arkan staff conducted meetings with eighteen CSOs to learn about their current programs and discuss ways to coordinate and cooperate, and nearly all expressed strong support for the project. In addition to structured meetings, the project’s Gaza and Ramallah offices have witnessed an increasing number of visits by Palestinians, including students, NGO representatives, and lawyers with interest or desired involvement in the rule of law sector. Such increased visits indicate a growing interest in and support for rule of law reform. Further, the visits are evidence that Arkan has established itself as a key player in supporting rule of law reform. Such notoriety is crucial to the success of the project and its initiatives.

“I foresee many opportunities for cooperation, especially since there are many cross-cutting issues of the project that can compliment the objectives of the Center.”

-- *Iyad Barghouti, Ramallah Center for Human Rights Studies*

As a result of formal meetings organized by the project and informal visits, Arkan has received a number of unsolicited proposals from NGOs active in the ROL field. Arkan is studying these proposals, to see what aspects of the suggested activities might be supported as the project begins the grants-making process. The project continues to utilize these visits as opportunities for cementing the project’s relations with the community; ensuring project activities are responsive to Palestinian demands, and implementing activities, to the extent possible, in collaboration with such active, local groups.

Support to Promote an Independent and Effective Judiciary

In this reporting period Arkan has identified, contacted, and begun providing support to alliances to promote an independent and effective judiciary and to promote the rule of law in the West Bank and Gaza. The first such activity was the elections appeals training, reported under election-related activities. Another recent activity, related to building code violations, merits detail. Arkan is also currently exploring possible means through which the project can provide support to the recently established Justice Development Steering Committee. Arkan is also in discussions with the Palestinian Judges Association, regarding possible assistance the project may be able to provide.

a. Building Code Violations Seminar

In March, Arkan staff in Gaza organized a workshop on violations of the building code currently enforced. Building code violations in the Gaza Strip have become a serious problem, having irreversible effects on various aspects of Palestinian life (social, economic, environmental) and on society's views towards respect for rule of law.

The seminar boasted 24 participants representing a wide-range of Palestinian sectors. Participants and Arkan staff discussed the magnitude and reasons of the problem, developing an action plan and a set of recommendations to deal with this situation. A steering committee was established with members representing such groups as the PBA, Gaza Municipality, Environmental Protection Department, and the Union of People with Disabilities. Recommendations will be shared with participants for their review and then distributed to concerned parties, including the PLC, Prime Minister, head of the PA Police Force, and the Association of Local Councils in the Gaza Strip.

Participants asked Arkan to provide funds for conducting a town hall meeting to allow more participation from the public and guarantee mass media coverage of the event. Arkan will consider the request with other activities planned for the coming quarter.

b. Justice Development Steering Committee

The Palestinian Authority President, Mahmoud Abbas, has recently issued a resolution creating a Justice Development Steering Committee. The resolution includes a mandate for resolving a chronic dispute over powers and responsibilities between the Ministry of Justice and the Supreme Judicial Council. The Committee has approached Arkan with a request to assist it in starting its work. Arkan is looking into providing with technical assistance, through a ST Legal Systems Dialogue Specialist, coming to Ramallah in May. The consultant will also work with other stakeholders on starting (and sustaining) a conversation on legal sector reform.

SECTION II

Administrative Accomplishments

Project Initialization

During this reporting period, close collaboration between the home and field offices resulted in the achievement of several milestones for initialization of the project, including finding office space. In the West Bank, space has been leased in Ramallah on Al-Irsal Street and occupied on January 1, 2005. Securing an appropriate office in Gaza has proven to be more difficult. After a thorough process, an appropriate office in Gaza was finally located and occupied in February.

By the end of March 2005, Arkan succeeded in procuring and installing all services, equipment, and furnishings necessary for smooth project operations in both the Ramallah and Gaza offices. Office furniture, computers, printers, and other office equipment have been successfully and cost-effectively procured in accordance with USAID regulations. A project vehicle has been leased for use in Ramallah.

A Field Accountant from the home office visited the project to install accounting software and train the Finance and Administrative Manager on Chemonics accounting procedures and policies during January. The Field Accountant also delivered a presentation on Chemonics Standards of Business Conduct.

Staff and Stakeholder Workshops

On the days before and after the Inauguration Ceremony, home office staff took the lead in conducting team-building activities and trainings on a variety of matters related to USAID project implementation. The project's CTO took part in a number of these activities, contributing to ensuring that all involved parties are on the same page.

The CTO introduced the project team to USAID objectives for Arkan in the context of USAID's overall strategic objectives; provided USAID's perspective on important implementation issues, such as communications; provided an overview of the Mission's management priorities; and, discussed issues related to reporting, performance management, financial management, and donor coordination.

Home office staff presented on Chemonics' core values, history, corporate culture, organizational structure, roles and responsibilities of both the home office and field office teams, and systems and procedures for project management. In addition, Arkan staff participated in team-building exercises and problem solving scenarios. Discussions also included a review of the ROL IQC and the Task Order (TO), highlighting technical, financial, and reporting aspects of the same.

The idea of developing a performance management plan (PMP) in order to set benchmarks by which to evaluate project achievements was presented. Arkan staff participated in a brainstorming session, working to identify possible indicators for each project component. In consultation with the USAID West Bank/Gaza Mission, D&G Office PMP Specialist, and the project CTO, a finalized PMP for Arkan will be developed.

The development of the Arkan Communications Strategy began during COP Orientation and continued throughout the workshops in early February. It is presently being supported and carried forward through the efforts of a home office Communications Specialist who worked hand in hand with the Arkan field team to draft a solid strategy, including incorporating the necessary action steps. The specialist simultaneously solicited and incorporated feedback from USAID and key stakeholders.

Project Name: Arkan

Project staff have decided to choose an easy-to-use Arabic name for the project, which will be added to the official name of the task order. The team decided to add the Arabic word “Arkan”, which means “pillars/foundations” indicating the “pillars/foundations” of rule of law in West Bank and Gaza. The staff is working on a project logo and registering a project domain name (www.arkan.org).

Chief of Party Orientation

The home office PMU designed and developed a program for a three-day COP Orientation in Washington, DC. The orientation is standard procedure for all Chemonics projects. These meetings and discussions served to better inform the COP of the structures and resources available, ensure the quality of deliverables, and establish methods of meeting client expectations and contract requirements. The orientation was originally scheduled for December; however, due to the death of President Arafat, and a delay in the processing and issuance of a US visa, it was delayed until mid-January.

The orientation covered procurement, communications, branding requirements, home office—field office coordination and support, USAID project financial management, Chemonics standards of business conduct, workplanning, reporting requirements and style, and project IT requirements. During the visit, the COP presented the project to Chemonics’ Senior Vice Presidents and met with USAID ROL IQC CTO and staff, briefing them on the project’s start-up progress and successes to date.

Year One Workplan

Arkan’s workplan was developed through a long, collaborative process, designed to guarantee buy-in from stakeholders and a commitment to success from the project team. Arkan staff engaged in several brainstorming sessions, and discussions with stakeholders. Drafts were developed and the COP and home office PMU consulted jointly, ensuring that the understanding of the project’s various activities was the same on both ends. General discussions of the draft workplan took place during the first stakeholder meeting, which followed the project’s formal inauguration. The workplan was approved by USAID on April 6, 2005.

GIS System

Arkan has sent the USAID WBG Mission’s Management Information Systems Specialist a complete list of activities and units of measurement that will be used in feeding the Mission’s GIS system data on project activities. The project is waiting for the username and password to start uploading information in the system. Arkan hopes to be amongst the first in the democracy and governance sector to begin full use of the system, including in deciding localities in which to carry out activities.

Two Arkan team members received initial training on how to upload project related information and activities on the GIS. The Mission will provide further training all team members during April 2005.

SECTION III

Financial Summary

General Expenditure Summary

Financial Summary*

Authorized Expenditure	Actual Expenditure	Balance	Obligated Amount	Percent of Obligated Amount Spent
\$3,975,259	\$291,984	\$3,683,274	\$1,246,950	23.42%

LOE Summary

LOE Expended	LOE Remaining	Estimated Completion Date
749.79	1,433.21	October 2007

*This summary represents expenditures invoiced as of February 28, 2005.

Registration and VAT

The project registered with the PA Department of Income Tax, thus successfully completing PA registration and regulatory requirements, and positioning the project to income tax deductions, in full compliance with the applicable laws.

SECTION IV

Programmatic Trends

As in the previous quarter, elections dominated the local scene, with both local government and presidential elections being held. Additional elections are expected in July. Elections present an opportunity for reform in the ROL sector through bringing new political ideas and actors to both the national and local governments. In addition to bringing reformists to the government, elections provide opportunities to debate ROL reform and related issues, both during campaigns and following the election process.

Concurrently during this period, the Palestinian Authority President, Mahmoud Abbas, issued a resolution creating a Justice Development Steering Committee. The resolution includes a mandate for resolving the chronic dispute over powers and responsibilities between the Ministry of Justice and the Supreme Judicial Council. The Steering Committee is comprised of the following members: Supreme Judicial Council (2); Minister of Planning; Minister of Justice; Minister of Finance; Minister of Interior; Attorney General; head of the PLC Legal Committee; head of the PBA; the Prime Minister's Office; and, a representative from the Palestinian Independent Commission for Citizens Rights.

In addition to resolving the dispute between the Ministry of Justice and the Supreme Judicial Council, the Steering Committee will work to create laws and decrees to establish the Judicial Training Institute, and will work to identify procedures needed to improve or correct the performance in the judicial process (including the relationship between the judicial police and the general prosecution), the judicial backlog, the administration in courthouses, and the enforcement of judges.

The creation of the Steering Committee and its mandate show a real trend in the Palestinian government toward rule of law and legal sector reform. Its formation will lend itself to coordination between the relevant parties in identifying the needs of the judiciary and the justice system; empowerment of the Supreme Judicial Council and the Ministry of Justice; establishment of procedures to ensure the independence of the judiciary; and, ensuring that the judiciary completes its function in a sound and effective manner.

The Steering Committee and the government's growing interest in rule of law and legal reform are critical for the near and distant future as the likelihood of Israeli pullout from Gaza increases. Recent legislation review highlighted the basis for settling disputes that could potentially arise as a result of the Israeli pullout, especially in light of the weak PA security force in the Gaza Strip, and the subsequent fears related to these issue. At a time when the political situation is particularly volatile and many changes are occurring, it is clear that Arkan can have an active and important role in the alteration of the rule of law.

ANNEXES

Annex A. Success Story



SUCCESS STORY

Monitors Fan Out to Ensure Vote

Election monitors and post-election legal specialists team up for Palestinian vote



Photo by Tamkeen

Majida Awashreh, a Tamkeen civil society specialist, completes an "observing the observer" form at a polling station in Ramallah.

"As a Palestinian, these elections are very important to me. We proved to ourselves and to the world that we have a democratic system and that we can make our choice in a peaceful, orderly way."

In a milestone for democracy and civil society, domestic election observers fanned out across 1,000-plus voting centers in the Palestinian areas in December and January to monitor the first municipal and presidential elections in years. Meanwhile, post-election legal specialists began preparing for possible challenges like those seen in the Ukraine and United States.

"The few problems I've witnessed were resolved quickly," said Khalid Nassif of the Civic Forum Institute, one of more than 60 organizations that received training from the USAID-funded Civil Society and Democracy Strengthening project. The project is better known as Tamkeen, an Arabic word meaning empowerment.

Following the death of Palestinian Authority president Yasser Arafat on Nov. 11, Tamkeen quickly mobilized grants and sponsored a series of training programs designed to build the capacity of civil society organizations to organize and manage election monitors. Election observers like Nassif helped Tamkeen train civil society leaders how to manage an election observation campaign, covering topics ranging from the basics of the election process to the specifics of what to observe inside and outside the polling stations. Participants then passed on their knowledge to hundreds of non-partisan volunteers from grassroots organizations and universities.

During the run-up to local elections on Dec. 23 and presidential elections on Jan. 9, Tamkeen election specialists trained 118 representatives from more than 60 local organizations how to observe, record and report. The organizations deployed some 1,000 domestic observers in the West Bank and Gaza Strip. Grantees also staged community events such as town hall meetings to help increase citizen understanding of candidate positions and issues.

"For many participants, this is the first time they take part in elections, not only as observers but also as voters," said Aref Jaffal, head of the Civic Forum Institute, a Tamkeen partner.

Some observers monitored the local elections of Dec. 23 – where women captured 51 local seats – to prepare for Jan. 9.

“I learned many things from [the Dec. 23 elections] that I’ve incorporated into the training I deliver to election observers,” said Nassif.

On Jan. 9, Nassif began his day at 5:30 a.m. when he met with a team of observers to finalize decisions on which stations to monitor. Once the stations opened, he spent anywhere from 30 to 60 minutes at various locations in the West Bank. As coordinator, he also stepped in to resolve problems, juggling two cellular phones that rang every few minutes.

While election monitors made their rounds, Tamkeen deployed its own team of civil society specialists across the West Bank and Gaza Strip to observe the observers. Project staff completed forms capturing what they saw and are now compiling the results.

“As a Palestinian, these elections are very important to me,” said Nassif. “We proved to ourselves and to the world that we have a democratic system and that we can make our choice in a peaceful, orderly way.”

Although some irregularities were reported – such as names missing from voters’ lists and illegal campaigning at polling stations – both domestic and international observers generally gave the process high marks, according to a preliminary election report by Tamkeen.

Possibly the most severe problems were reported from Jerusalem, where Israeli authorities managing checkpoints turned away some Palestinian voters and observers alike, according to Tamkeen-trained observer Khaled Abu Alya. Alya classified the presence of authorities as “intimidating,” also saying unclear voting procedures and incomplete voter registration lists caused further problems.

In 1996, Arafat was voted head of the Palestinian National Authority in the first and only national elections. The last municipal elections came in 1976. Palestinians will again cast ballots for members of the Palestinian Legislative Council and municipal leaders in the summer.

“This day gives me hope for the future of Palestine,” said 25-year-old Ahmad Al-Azzeh, who volunteered as a non-partisan election observer. “There is no way to know that the election is free and fair unless you see it for yourself.”

Azzeh was trained by Tamkeen on how to mount voter registration and election observation campaigns. Wanting to do more, he then trained and led a team of nine observers deployed at three polling stations across Bethlehem. They took notes, asked questions of voters and those administering the vote, and worked late into the night to ensure proper procedures.

The Arab Thought Forum, a Tamkeen partner, estimates that only 30 percent of all election monitors were trained, indicating the need for more training ahead of the next elections.

Azzeh also worked alongside observers sent by the political candidates. Once ballots were counted, both partisan and neutral observers were asked to sign off on the final results, essentially agreeing that there was no wrongdoing or fraud. Should an entity submit a formal, legal challenge regarding the validity of the vote, that’s when election appeals monitors trained by the USAID-funded Supporting Rule of Law Reform project will play an instrumental role in the legal process that decides the outcome of challenges.

Within a matter of two weeks, the ROL project prepared training material, selected the participants, contracted with trainers, delivered the training to 18 Palestinian lawyers from Gaza and the West Bank, and produced election appeals monitoring checklists. The checklists are then used by monitors like the Gaza-based Palestinian Association for Legal Sciences to monitor election appeals proceedings.

Because the ROL project was implemented just months before the elections, Tamkeen was able to assist with logistics, provided office space and videoconference equipment, and supplied a trainer from among its civil society specialists.

Currently, citizens, organizations and some observers, like 23-year-old Mu’taz Abu-Eljedian, have filed 44 legal challenges associated with the presidential election.

Eljedian volunteered as an election observer after getting trained by a Tamkeen-supported NGO. On the Jan. 9 election day, he put an end to illegal campaigning at a polling station in Gaza when he noticed people chasing voters to influence their decisions.

“I learned from the election observation training conducted by Tamkeen that campaigning on election day is illegal, and that I have the right to file a complaint with the polling station manager,” said Eljedian, who immediately filed a complaint.